



Police Department

SENT ELECTRONICALLY to Adam.Racusin@10news.com

March 18, 2019

Adam Racusin
Reporter/10 News
Adam.Racusin@10news.com

Re: January 18, 2019 Public Records Request for Sexual Misconduct Data

Dear Mr. Racusin:

This letter is in timely response to the above-referenced request, which the City of Chula Vista received on January 18, 2019. You requested public records pursuant to the California Public Records Act (CPRA) (Cal. Gov. Code section 6250 et seq.)

*Specifically, you asked for “any and all data, logs, or complaints and internal affairs investigations into all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer and all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death or great bodily injury for any on and off duty police officers and custodial officers between 1/1/2009 to present. Also, all records relating to any incidents in which a sustained finding was made of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial office, including but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence between 1/1/09 to the present. *This should be inclusive of all relevant documentation, such as complaints, warnings, personnel records, write-ups, internal affairs investigations, even those that did not lead to legal action or an official investigation – including all releasable documents as defined by SB 1421.”*

The City, through its Police Department, responded to you on January 28, 2019 invoking its authority for more time to respond, pursuant to Cal. Government Code section 6253(c). On February 11, 2019, the Department provided records in partial response to your request.

Also on February 11, 2019, the Department notified you it was withholding a responsive record -- an administrative investigation involving a former peace officer, with a sustained finding of dishonesty, pending review of that investigation by other agencies for possible criminal charges and/or prosecution, pursuant to Cal. Government Code section 6255. The Department stated it would provide a status update or provide the responsive record on or by March 11, 2019. On March 11, 2019, the Department notified you it was taking more time, pursuant to Cal. Government Code section 62539(c) and would provide the record on March 18, 2019. This March 18, 2019 letter accompanies the responsive records – the Department’s redacted internal investigation report and a report of separation.

Redactions of the administrative investigation were made pursuant to the following statutory authority: Cal. Gov. Code sections 6254(k), 6254(f) and 6255; Cal. Evidence code section 1040; Cal. Penal Code sections 832.7(a), 832.7(b)(5), 832.7(b)(6), and 832.8(a)(6).

This letter and attachments complete the Department's response to your January 18, 2019 records request. Thank you for your patience.

Sincerely,
/s/ Captain Eric Thunberg
Support Operations Division
Chula Vista Police Department
619-691-5230

Attachments:

Administrative investigation, resignation report: J. Vasquez



CITY OF CHULA VISTA OFFICIAL REPORT OF SEPARATION

FOR HR USE

Exit Done _____

PERS/ACES _____

PARS _____

EMPLOYEE INFORMATION

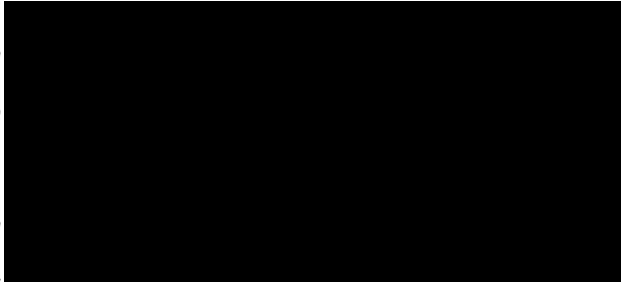
Name

JUAN VASQUEZ

Employee ID#

3399

Address



Department

POLICE

Job Classification

PEACE OFFICER

Phone

Last day physically at work

01/17/19

E-mail

Date of Separation

01/17/19

REASON FOR SEPARATION

To be completed by EMPLOYEE

I desire to discontinue my employment for the following reason(s) [Mark those which apply]



☒ RESIGNATION (please specify reason)

☐ 06 Higher Salary

☐ 07 Better Future

☐ 08 Temporary nature of job

☐ 09 Hours or days of work unsatisfactory

☐ 10 Assigned duties undesirable

☐ 11 Work environment unsatisfactory

☐ 22 Relocation (please provide new address/phone number)

☐ RETIREMENT (please specify reason)

☐ 12 Service retirement

☐ 13 Disability retirement

To be completed by SUPERVISOR / APPOINTING AUTHORITY

☐ 16 DECEASED

☐ 02 SEPARATION (please specify reason)

☐ 14 Expiration of employment

☐ 15 Lay-off for lack of work or funds

☐ TERMINATION (please specify reason)

☐ 17 Left job without notice

☐ 18 Failed to return after leave of absence

☐ 19 Released during probationary period

☐ 20 Temporary service ended

☐ 21 For cause, violation of Civil Service Rule(s) and/or violation of Department Policies and Procedures

Date written notice delivered to employee: _____

REMARKS

SIGNATURES

I hereby submit my separation from the City of Chula Vista, and certify that it is executed by me freely and voluntarily and not by reason of threat, force, duress, menace, or undue influence by any person or persons.

☐ Employee refused to sign

☐ Employee unavailable for signature

01/18/19

Date Signed

JASOL DEANER / JIMMY ENGLISH

SERGEANT

Title

01/18/19

Date Signed

CAPTAIN

Title

1/18/2019

Date Signed

**CHULA VISTA POLICE DEPARTMENT
MEMORANDUM**

DATE: *September 17, 2018*

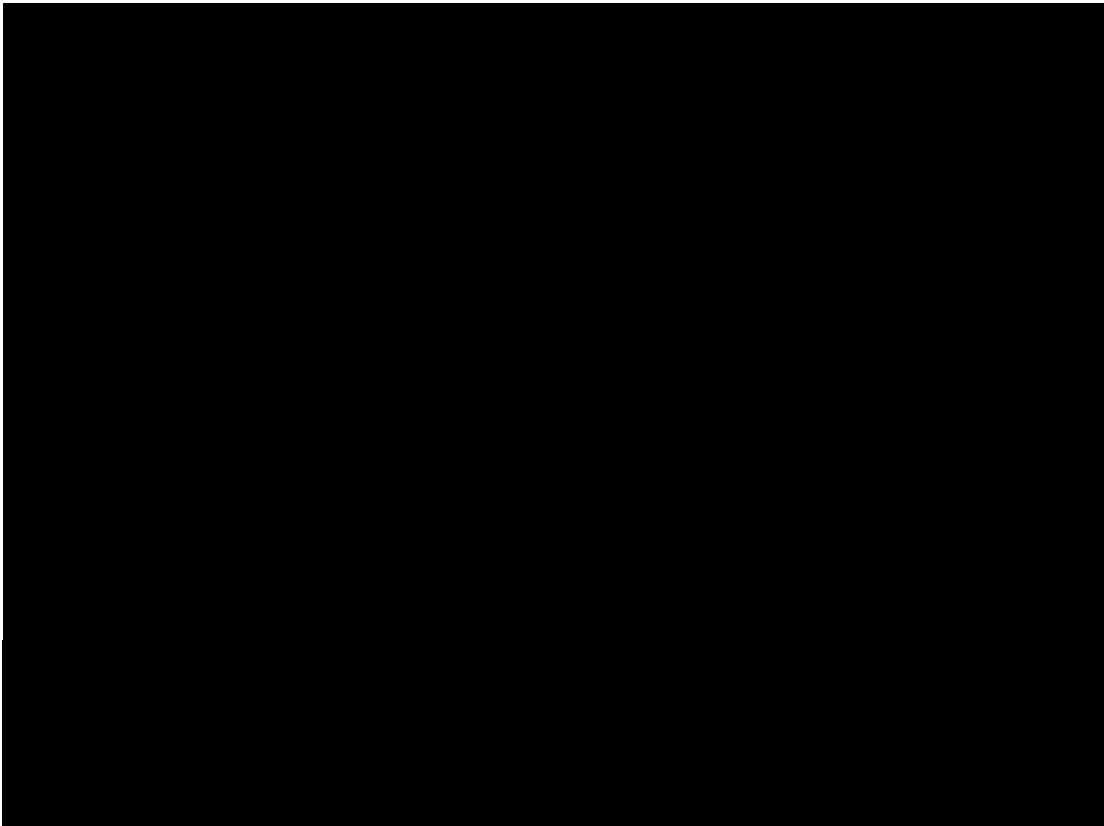
TO: *Captain Collum #544*

FROM: *Sgt. Jason Deaner #988*

SUBJECT: *PS#18-0636*

OFFICER (S) INVOLVED: *Juan Vasquez #975*

REPORTS / DOCUMENTS ACCOMPANYING THIS COMPLAINT:



SUMMARY OF INCIDENT

On 07/24/18 Special Agent [REDACTED] (FBI) briefed CVPD PSU Personnel about an on-going investigation he was conducting on CVPD Detective Vasquez. The investigation involved suspicions that Detective Vasquez had lied by omitting information about a criminal suspect to [REDACTED] and then used information gained from [REDACTED]

[REDACTED]
[REDACTED]

**CHULA VISTA POLICE DEPARTMENT
MEMORANDUM**

[REDACTED]

WITNESSES AND RELEVANT PERSONS (Name, Address and Phone):

1) Sergeant Jason Deaner #988
(619)476-2449

2) [REDACTED]

3) [REDACTED]

4) [REDACTED]

5) [REDACTED]

6) [REDACTED]

7) [REDACTED]

***CHULA VISTA POLICE DEPARTMENT
MEMORANDUM***

- 8) Detective Juan Vasquez – CVPD
315 Fourth Avenue
1910

[REDACTED]

9)

[REDACTED]

10)

[REDACTED]

11)

[REDACTED]

12)

[REDACTED]

13)

[REDACTED]

14)

[REDACTED]

INVESTIGATION

[REDACTED]

[REDACTED]

CHULA VISTA POLICE DEPARTMENT

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Detective Vasquez contacted the
[REDACTED] ve [REDACTED]. This type of follow up
piqued the interest of the NCPD Detective [REDACTED]
[REDACTED] The NCPD Detective reported his suspicions to his

supervision, who in turn, met with [REDACTED] on February 23rd and turned over their information.

PD-591

**CHULA VISTA POLICE DEPARTMENT
MEMORANDUM**

investigation but wouldn't without consulting with his attorney. [REDACTED] said that John Kristofferson, from Adams, Ferrone, and Ferrone was representative Vasquez. [REDACTED] said that Kristofferson and he had talked, and that Vasquez would like to be [REDACTED] but Kristofferson would like to have the interview the week of August 28th.

On 08/24/18 I met with [REDACTED] at the FBI Office. The purpose of the meeting was so he could provide me with [REDACTED] regarding his investigation, materials from his investigation that would be pertinent to mine, and for me to begin learning the specific details of the case.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*CHULA VISTA POLICE DEPARTMENT
MEMORANDUM*

[REDACTED]

[REDACTED]

[REDACTED]

1. *Journal of the American Medical Association*, 2000; 283: 2689-2696.

□

*CHULA VISTA POLICE DEPARTMENT
MEMORANDUM*

At 1343 hrs. Detective Vasquez contacted Detective [REDACTED] and told him that he remembered [REDACTED] and that [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*CHULA VISTA POLICE DEPARTMENT
MEMORANDUM*

[REDACTED]

[REDACTED]

[REDACTED]

**CHULA VISTA POLICE DEPARTMENT
MEMORANDUM**

[REDACTED]

On 10/04/18 I interviewed Detective [REDACTED] from the National City Police Department. (See section 6 in this Investigative Binder for further details) The interview took place at Chula Vista Police Department and I was accompanied by Sergeant John English. The interview was audio recorded. Both the audio recording and subsequent dictation of the interview have been added to this report. Detective [REDACTED] told me that on 02/19/18 he was contacted by NCPD patrol officers who requested his assistance on an investigation they were conducting. (NCPD 18-00922).

[REDACTED]

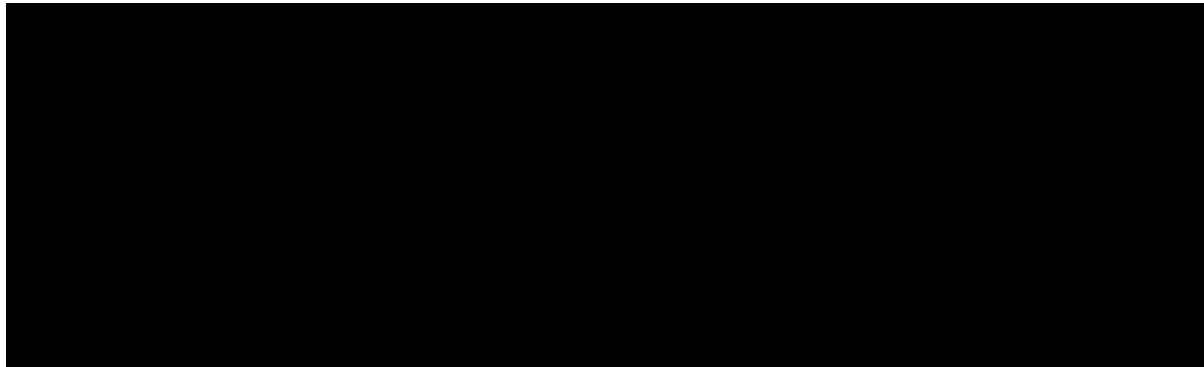
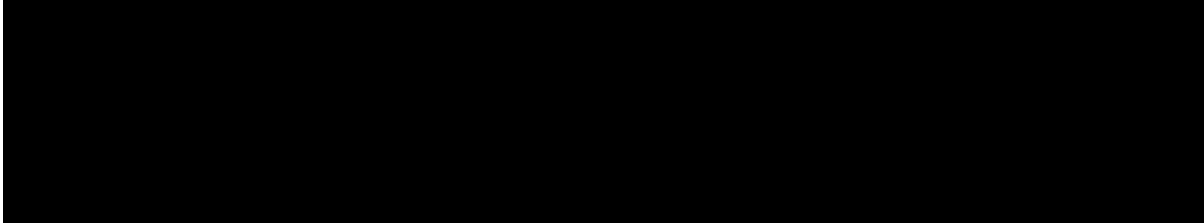
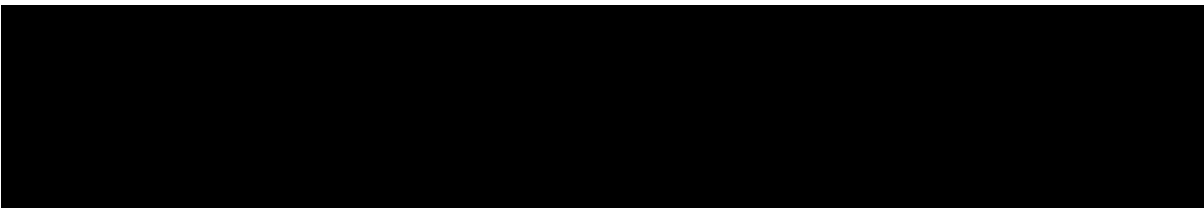
At 1208 hrs. [REDACTED] called Detective Vasquez and explained his investigation to him. Detective Vasquez paused, "it seemed like he was trying to remember who he might possibly be" and ultimately told [REDACTED] that he "didn't remember anything specific" and ended the phone call with [REDACTED]. [REDACTED] noted that Detective Vasquez said, "If you are working something, cool go ahead." [REDACTED] noted that he didn't remember the exact verbiage that Detective Vasquez used. The call lasted for 1 minute and 39 seconds based on [REDACTED] check of his phone records.

[REDACTED]

[REDACTED]

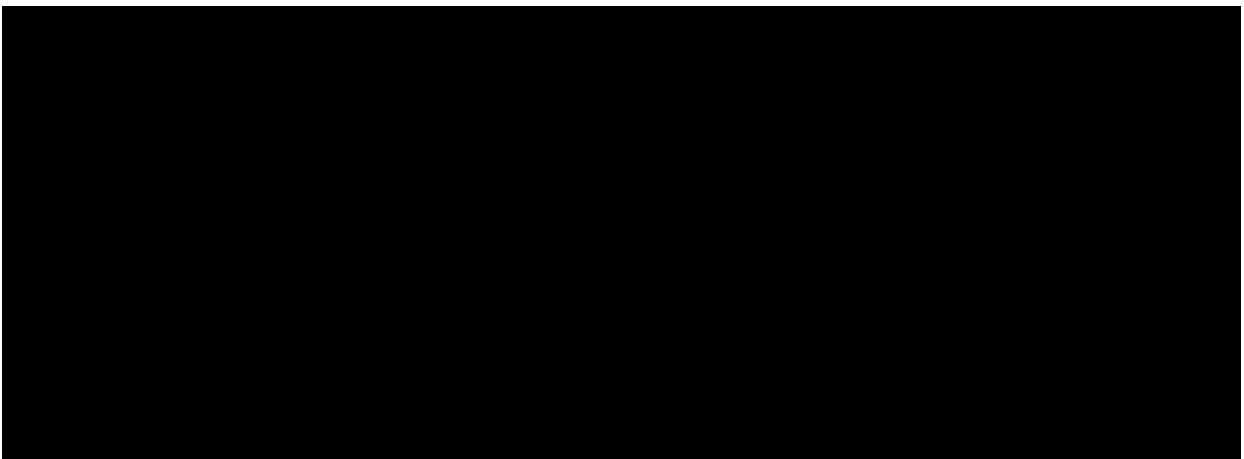
[REDACTED]

CHULA VISTA POLICE DEPARTMENT



On November 2, 2018 at 1252 hours I met with Attorney John Kristofferson and Detective Vasquez for an interview into this matter. I met them initially in the CVPD lobby and escorted them to the Professional Standards Unit Discovery Room. CVPD Sergeant John English accompanied me in the interview. Once inside the room CCTV was activated recording both video and audio of the interview. In addition, Kristofferson and I both audibly recorded the interview on portable devices.

I read aloud the CVPD Employee Interview rights and the Miranda Admonishment verbatim. In response to his Miranda Admonishment, Detective Vasquez, said that he understood them and initialed accordingly. He declined to answer questions and declined to speak to me, he initialed "NO" on the form. I read him his Lybarger Warning and he opted to talk me by circling and initialing "WILL" and signing the form. (See section 14 in this Investigative Binder for further details.)



*CHULA VISTA POLICE DEPARTMENT
MEMORANDUM*

 [REDACTED] using the National City Investigation that he learned about from [REDACTED] Detective Vasquez said that he didn't recall the specific date of [REDACTED] him but was able to specify that it was in February of 2018. Detective Vasquez said that [REDACTED] first phone call was regarding [REDACTED] and that [REDACTED] t his (Detective Vasquez) number from [REDACTED] cause he had [REDACTED] registered in his (Detective Vasquez) name. He said that he was unsure [REDACTED] registered in his name.

[REDACTED]

I asked Detective Vasquez to talk about what he remembered regarding Detective [REDACTED] initial phone call to him. He said [REDACTED] discussed an investigation they (NCPD) w conducting regardin [REDACTED] that originated in National City. Detective Vasquez couldn't recall if [REDACTED] told him details of the investigation then said, "It could have been his [REDACTED] that told him the details. He clarified that he didn't f [REDACTED] r [REDACTED] gave him the details regarding [REDACTED] investigation on [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] I confirmed with him that he was telling me that when [REDACTED] called him he identified [REDACTED] name and told [REDACTED] he was working him as a suspect in narcotics trafficking. He then told me that, "It didn't register to him" because it was his day off and he was "busy doing something around the house." Then he said that the moment that he hung up the phone with [REDACTED] that he remembered [REDACTED]

CHULA VISTA POLICE DEPARTMENT
MEMORANDUM

I challenged him by informing him that he had talked with [REDACTED] during at least 75 text messages prior to [REDACTED] phone call and he commented that he was unsure of the exact number of text messages but that he was surprised that he had 75 texts back and forth with her. I asked him with the knowledge of that many phone calls why he wouldn't have remembered [REDACTED] name and he repeated that, "it was my day off. I was busy doing something." He then followed up with, "I mean, like I said, I literally, literally hung up and it came to me right then and there and I called him right back."

This statement couldn't be truthful because we know by [REDACTED] statement and phone records that his initial call to Detective Vasquez was at 1208 hours and that Detective Vasquez texted him back at 1243 hours asking him about the address for the NCPD investigation, a full 35 minutes later. Detective Vasquez didn't call Detective [REDACTED] back until 1343 hours, a full one hour and 35 minutes after Detective Vasquez received the initial call from [REDACTED]

[REDACTED]

In addition, Detective [REDACTED] told me that he wrote down his notes regarding the dates and times of his communications with Detective Vasquez just before briefing his (NCPD) administration and the subsequent FBI notification. He provided the FBI with screen shots of the dates, times, and text messages between he and Detective Vasquez and didn't communicate on any other phones but Detective Vasquez's personal phone. He provided both the FBI and me with a timeline taken from these notes which makes his statement very reliable in my opinion. (See section 6 in this Investigative Binder for further details.)

I asked him what he told Detective [REDACTED] when he called him back and he (Detective Vasquez) told me, "Told him that it did, that I had totally forgotten, that it was my day off and I was busy doing something and I told him that what I was looking into was narcotics trafficking and that he had a prior residence here in Chula Vista." This statement is contradicted by [REDACTED] statement to the FBI and myself. In those statements [REDACTED] claimed that Detective Vasquez told him about cases that [REDACTED] was related to including "battery" and a "taxing incident", but nothing about narcotics related violations. [REDACTED]

[REDACTED]

[REDACTED]

*CHULA VISTA POLICE DEPARTMENT
MEMORANDUM*

[REDACTED]

[REDACTED] 98 text messages
[REDACTED] suspicious,
especially in light of [REDACTED] that 75 of them occurred before Detective Vasquez
inaccurately denied knowledge of the target related [REDACTED] to those
[REDACTED] nications. At the time of this denial, he (Detective Vasquez) had both subjects,
[REDACTED] and [REDACTED] [REDACTED]
Detective Vasquez told [REDACTED] on 02/20/18 that he didn't recognize [REDACTED]
name when he had exchanged text messages with his sister [REDACTED] six days before that
(02/14/18) asking [REDACTED] or, "any updates?"

[REDACTED]

[REDACTED]

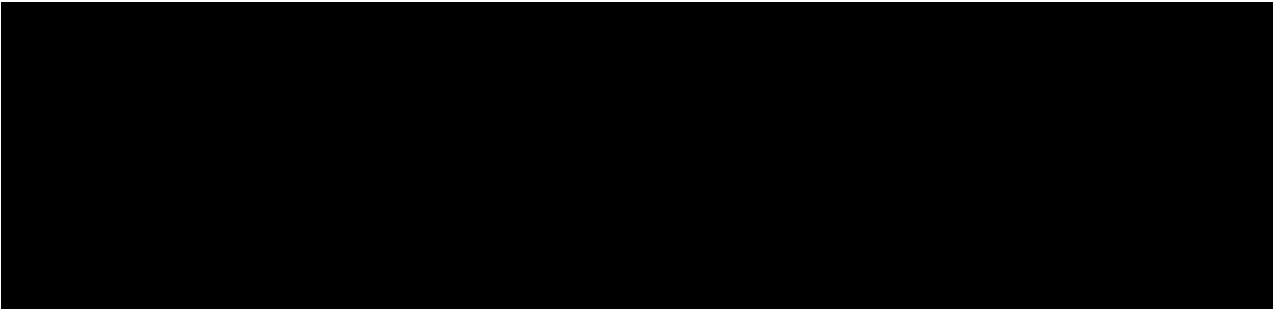
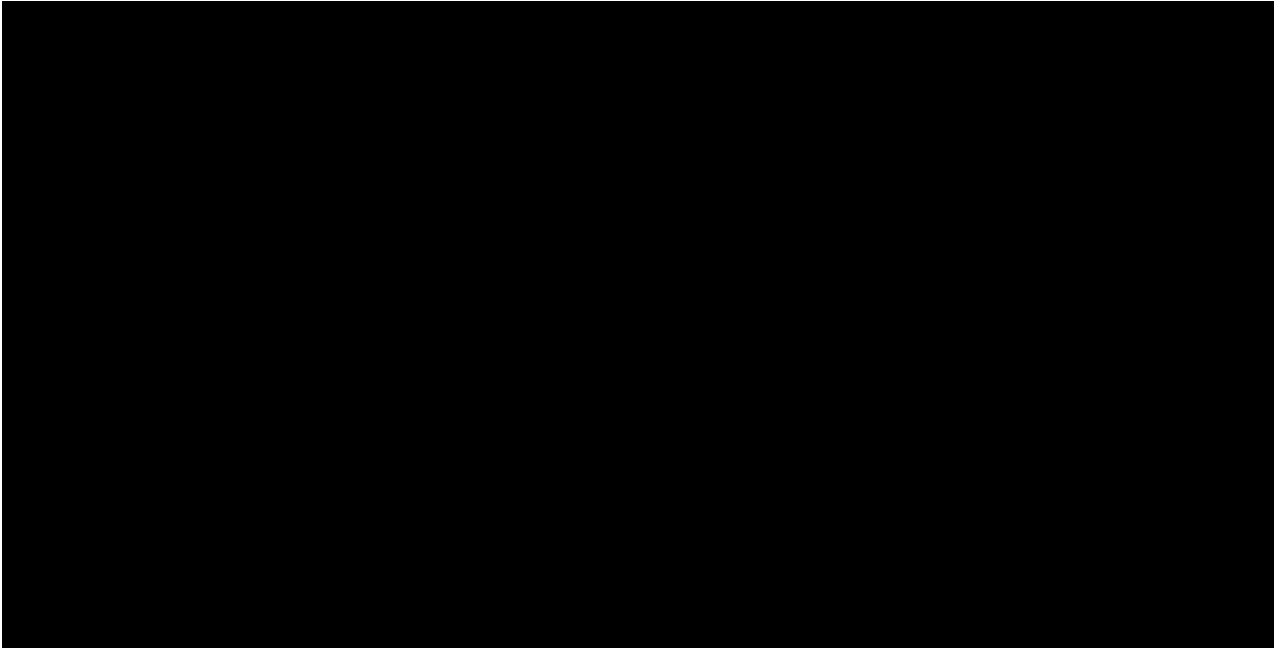
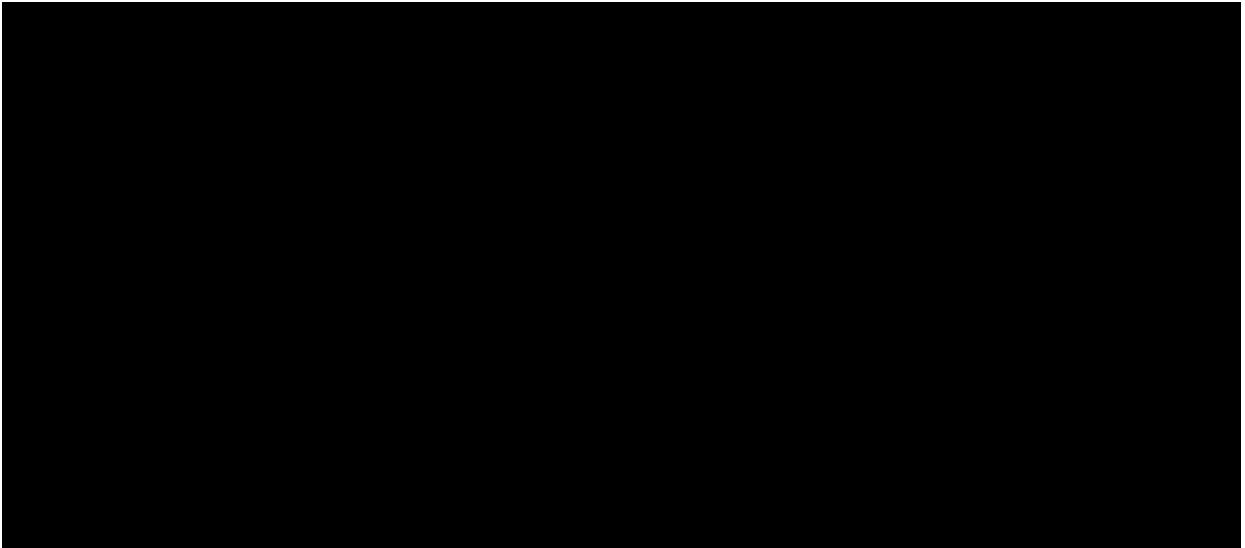
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*CHULA VISTA POLICE DEPARTMENT
MEMORANDUM*

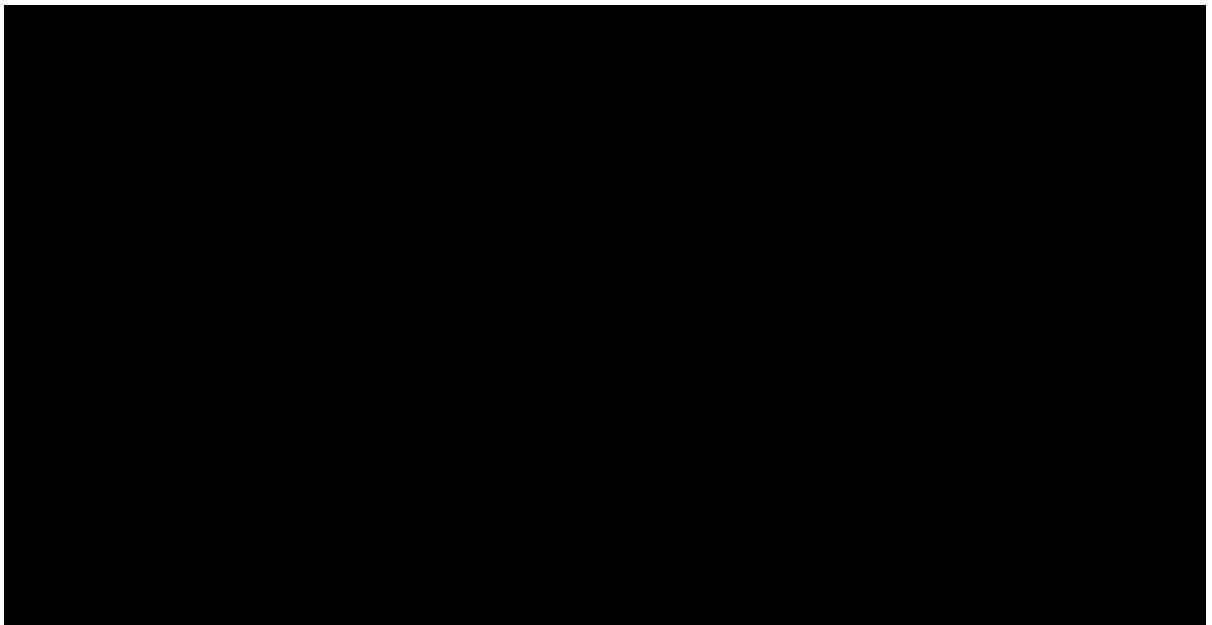
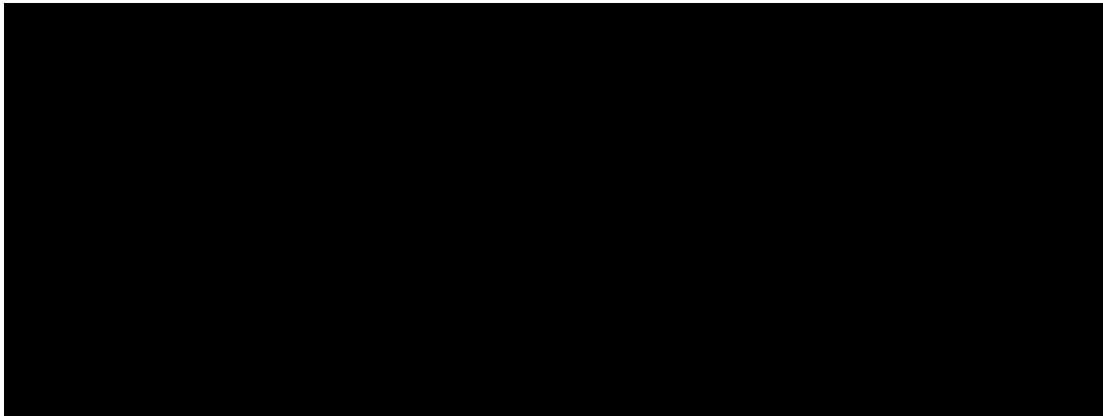
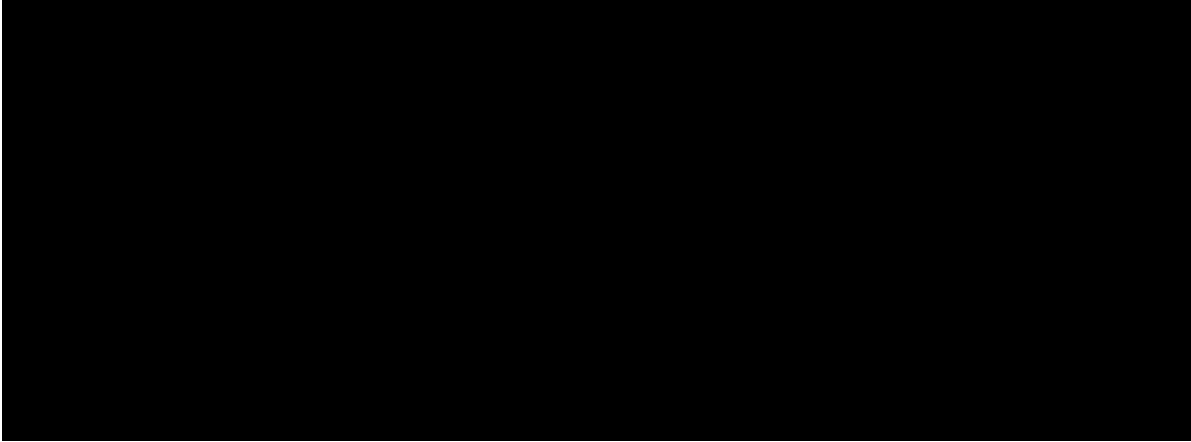


As of 12/06/18 I have been in regular contact with [REDACTED] and confirmed that the local Office of the Assistant United States Attorney Office has declined prosecution in the FBI's case. The case was also presented to the Department of Justice, Public Integrity Unit in Washington, DC and "declined in lieu of new evidence."

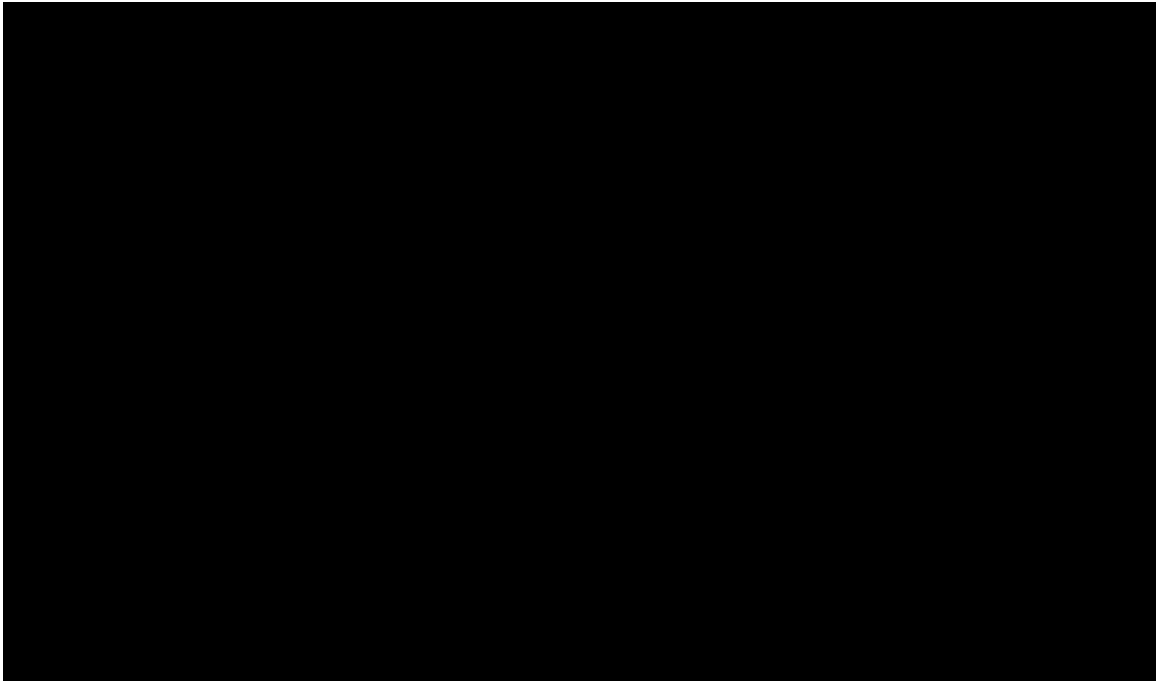
*CHULA VISTA POLICE DEPARTMENT
MEMORANDUM*

Disposition of Alleged Violations

The following section of the Police Department Manual (PDM), Civil Service Rules (CSR), and Penal Code (PC) are applicable in the following actions:



*CHULA VISTA POLICE DEPARTMENT
MEMORANDUM*



Count 7 (Detective Vasquez's denial of knowledge pertaining to [REDACTED] to Detective [REDACTED])

Detective Vasquez had at least 98 text messages and phone calls with [REDACTED] 75 of them occurred before Detective Vasquez inaccurately denied knowledge of the NCPD's [REDACTED] related to those communications when questioned by Detective [REDACTED]

**CHULA VISTA POLICE DEPARTMENT
MEMORANDUM**

[REDACTED]
[REDACTED] on 02/20/18 that he didn't recognize [REDACTED] name when he had
[REDACTED] nged text messages with his sister [REDACTED] six days before that (02/14/18), in one
asking [REDACTED] for, "any updates?"

[REDACTED] Detective Vasquez and [REDACTED] exchanged 20
[REDACTED] phone call with the NCPD
suspect's [REDACTED]

The frequency and multitude of these communications in the six-day proximity of
Detective Vasquez's denial of any knowledge of [REDACTED] to Detective [REDACTED] was
a falsehood that could have needlessly endangered the safety of NCPD Officers and
heavily impacted the reputation of CVPD. During Detective [REDACTED] interview he
acknowledged that Detective Vasquez's denial of his knowl [REDACTED]
would cause Detective [REDACTED] to hesitate in his future dealings with
CVPD Narcotics Unit (NET) and could bring discredit to the unit (NET) and department
(CVPD) in general.

Detective Vasquez's conduct was determined to be in violation of PDM 340.5.8(i), PDM
340.5.9(h), PDM 340.5.9(m), CSR § 1.08, Paragraph A, Section 5, CSR § 1.08,
Paragraph A, Section 16, which state:

7-A PDM 340.5.8 PERFORMANCE

(i) Any act on- or off-duty that brings discredit to this department – **SUSTAINED**

7-B PDM 340.5.9 CONDUCT

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that
adversely affects the member's relationship with this department – **SUSTAINED**

7-C PDM 340.5.9 CONDUCT

(m) Any other on- or off-duty conduct which any member knows or reasonably
should know is unbecoming a member of this department, is contrary to good order,
efficiency or morale, or tends to reflect unfavorably upon this department or its
members - **SUSTAINED**

7-D CSR § 1.08, Paragraph A,

(5) Conduct of such a nature that it causes discredit to the agency or the employee's
position – **SUSTAINED**

7-E CSR § 1.08, Paragraph A,

(16) Violation of any department rule, regulation or policy – **SUSTAINED**

***CHULA VISTA POLICE DEPARTMENT
MEMORANDUM***

Previous Similar Allegations or Violations:

Officer Vasquez #975 does not have any previous similar allegations or violations.